



N64W23760 Main Street
Sussex, Wisconsin 53089
Phone (262) 246-5200
FAX (262) 246-5222
Email: info@villagesussex.org
Website: www.villagesussex.org

AGENDA
VILLAGE BOARD
VILLAGE OF SUSSEX
6:00 PM - TUESDAY, JANUARY 26, 2021
SUSSEX CIVIC CAMPUS – BOARD ROOM 2nd FLOOR
N64W23760 MAIN STREET

1. Roll call.
2. Pledge of Allegiance.
3. Consideration and possible action on minutes from the Village Board meetings held on January 12, 2021.
4. Communications and Public Hearing(s)
 - A. Village President Report. Report on meetings attended/up-coming, communications, and recognitions.
 - B. Public Hearing on the Vacation of Pedestrian Walkway at Spring Green Heights Subdivision.
 1. Recommendation and possible action on Resolution 20-26 of the Village of Sussex to vacate and discontinue a pedestrian way with the Spring Green Heights Subdivision.
 2. Recommendation and possible action on CSM as part of the vacation of the pedestrian way and Well 3 site sale within the Spring Green Heights Subdivision.
5. Committee Reports
 - A. Board of Fire Commissioners Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.
 - B. Community Development Authority Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.
 - C. Park & Recreation Board Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.
 1. Recommendation and possible action on Circle Masters Flying Club request for a removable pole to be added to the asphalt pad in Village Park.
 - D. Pauline Haass Library Board Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.

- E. Plan Commission Report on discussion and action taken at the previous meeting, future agenda items and upcoming scheduled meetings.
 - 1. Recommendation and possible action on Final Plat Addition No. 3 Sussex Preserve Subdivision located west of Maple Avenue and south of Clover.
- F. Public Safety and Welfare Report on discussion and action taken at the previous meeting, future agenda items and upcoming meetings.
- 6. Staff Reports on upcoming events, projects in process, future agenda items and scheduled meetings.
- 7. Comments from citizens present.
- 8. Old Business.
- 9. New Business.
- 10. Consideration and possible action on resignations and appointments.
 - A. Consideration of Trustee Appointment to the Plan Commission
- 11. Adjournment

Anthony LeDonne
Village President

Jeremy Smith
Village Administrator

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may attend the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Village Clerk at 262-246-5200.

DISCLAIMER- THE FOLLOWING ARE DRAFT MINUTES FROM
THE SUSSEX VILLAGE BOARD
AND ARE SUBJECT TO CHANGE UPON APPROVAL OF THE VILLAGE BOARD

**VILLAGE OF SUSSEX
SUSSEX, WISCONSIN**

**Minutes of the Village Board Meeting of
January 12, 2021**

1. Roll Call

The meeting was called to order by President LeDonne at 6:01 pm.

Members present: Greg Zoellick, Lee Uecker, President Anthony LeDonne, Ron Wells, Michael Bartzen, Scott Adkins and Wendy Stallings.

Members excused: None.

Also present: Administrator Jeremy Smith, Attorney John Macy, Assistant Village Administrator Kelsey McElroy-Anderson, Administrative Services Director Samuel Liebert, and members of the Public.

2. Pledge of Allegiance

President LeDonne led the pledge of allegiance.

3. Meeting Minutes

A motion by Uecker, seconded by Stallings to approve the December 8, 2020 Village Board meeting minutes.

Motion carried 7-0

4. Communications and Public Hearings

A. Village President Report

President LeDonne reported that on Wednesday, January 15, the Library Board will meet at 6:30 pm. Saturday, January 18, the sledding party will take place from 1-3pm and the snow date will be February 15. Sunday, January 19, is the Sussex Winter Market at the Civic Center from 9:30am-1pm. Tuesday, January 21, the Senior Citizen Advisory Committee will meet at 4:00pm. Plan Commission will meet at 6:30pm and Park & Recreation Board will be at 7:00pm, all meetings will be in the board room.

5. Committee Reports

A. Finance and Personnel Committee

A.1. Motion made by Bartzen, seconded by Uecker to approve the December Check Register and P-Card statement in the amount of \$1,965,856.60. Motion carried 7-0

A.2. Motion made by Bartzen, seconded by Zoellick to approve of the December Ace Hardware purchases in the amount of \$1,185.60. Motion carried 6-0
LeDonne Abstained.

A.3. Motion made by Bartzen, seconded by Zoellick to approve of Ordinance 871 to move Citizen Committee appointments terms. Motion carried 7-0

A.4. Motion made by Bartzen, seconded by Stallings to approve of Resolution 21-01 Designating Public Depositories and Approving Other Financial Institutions for Investment. Motion carried 7-0

A.5. Motion made by Bartzen, seconded by Stallings to approve of the Red Flag Rules – 2020 Annual Report. Motion carried 7-0

B. Public Works Committee

B.1. Motion made by Adkins, seconded by Bartzen to approve the public works bills for payment in the amount of

\$75,075.01.

Motion carried 7-0

B.2. Motion made by Adkins, seconded by Uecker to conditionally approve of Resolution 21-02 accepting the improvements for Sussex Commons.

Motion carried 7-0

6. Staff Reports

Mrs. McElroy-Anderson stated that the village website has been updated to show committee vacancies and descriptions of all committees.

Mr. Smith stated that other communities have reached out to us about our ice-skating rink and asking how we maintain it so well. The Village of Vernon recently signed on with the Waukesha Sheriff's Office for their police services, and the county said it was based on the positive reports they received from Sussex.

Mr. Macy stated the legislature is back in session. The state assembly passed a covid relief bill and that the senate has started to draft a new bill that would be more acceptable for the Governor to sign.

Mr. Liebert stated that all candidates for local office have filed their paperwork. There will be a primary in February for State Superintendent. There are seven candidates. There will be a few palpable errors coming forward at a future Village Board meeting that will need to be addressed.

7. Comments from Citizens Present

No one was present who wished to be heard.

8. Old Business

8A. Motion made by LeDonne, seconded by Zoellick to approve of Resolution 21-03 updating portions of the Bond Schedule for various violations.

Motion carried 7-0

9. New Business

There was no new business to discuss.

10. Consideration on resignation and appointments

10.A. Motion by LeDonne, seconded by Zoellick to appoint Trustee Greg Zoellick to the Plan Commission.

A roll call vote was taken:

Adkins – Nay
Uecker – Nay
Stallings – Nay
Zoellick – Aye
Wells – Aye
Bartzen- Nay
LeDonne – Aye

The motion failed 3-4, due to a super majority of 2/3 of the board not in agreement. Per Village Ordinance, Village Board members appointed to the Plan Commission require a 2/3 vote for approval.

11.

President LeDonne read the notice to convene into executive session under Wis. Stats. 19.85(1)(g) when conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved with respect to the Town of Lisbon Sussex Agreement and a lawsuit by Jason Wegner about said Agreement.

A motion made by LeDonne, seconded by Stallings to convene into executive session under Wis. Stats. 19.85(1)(g) when conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved with respect to the Town of Lisbon Sussex Agreement and a lawsuit by Jason Wegner about said Agreement.

Upon a roll call vote being taken, the vote was: Aye: 7 Nay: 0. The motion CARRIED. 7-0.

The board entered into executive session at 6:19 pm.

The board returned to Open Session at 6:46 pm.

12. Adjournment

A motion by LeDonne, seconded by Bartzen to Adjourn at 6:47 pm.

Motion carried 7-0

Respectfully submitted,

Samuel Liebert
Administrative Services Director, Clerk/Treasurer

DRAFT

RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF SUSSEX
TO VACATE AND DISCONTINUE A PEDESTRIAN WAY WITHIN THE
SPRING GREEN HEIGHTS SUBDIVISION

WHEREAS, pursuant to Wis. Stat. § 66.1003, the Village Board has statutory authority to vacate and discontinue Village right of way within its jurisdiction; and

WHEREAS, the League of Wisconsin Municipalities legal counsel determined in an opinion dated November 14, 1977 that the proper method to vacate a pedestrian way is pursuant to Wisconsin Statutes Section 66.296, now codified as 66.1003, which opinion is shared by the Village Attorney and the Village Board for reasons described in the League of Wisconsin Municipalities legal opinion; and

WHEREAS, the public interest requires vacation of a pedestrian way as depicted and described in Exhibit 1, as this is a segment of public way that has no utility and the land can be used by the abutting owners; and

WHEREAS, this Resolution was introduced in this form before the Village Board of the Village of Sussex on November 24, 2020; and

WHEREAS, following introduction of this Resolution, the Village Board set a date for a public hearing which was not less than forty (40) days after the date on which this Resolution was introduced, specifically on January 26, 2021; and

WHEREAS, notice of public hearing stating when and where this Resolution would be acted upon and stating what public way is proposed to be discontinued was published as a Class 3 Notice under Chapter 985, Wisconsin Statutes, and in addition was served on the owners of all of the frontage of the lots and lands abutting upon the public way sought to be discontinued (said properties as described in Exhibit 2) in a manner provided for the service of Summons in Circuit Court at least 30 days before the hearing; and

WHEREAS, no written objections to the proposed discontinuance have been filed with the Village Clerk by any of the owners abutting on the public way sought to be discontinued, or by the owners of more than one-third of the frontage of the lots or lands abutting on the remainder of the public way which lies within 2,650 feet from the ends of the public way proposed to be discontinued or which lies within that portion of the 2,650 feet that is within the Village limits; or if such objection has been filed, two-thirds of the members of the Village Board voting on the proposed discontinuance have voted in favor of the discontinuance; and

WHEREAS, no landlocked parcel will be created by the proposed discontinuance; and

WHEREAS, the owners of all of the lands abutting a portion of the pedestrian public way have submitted, or will submit prior to this Resolution taking effect, a certified survey map for approval under Chapter 236 of the Wisconsin Statutes, which will combine the properties along with the vacated public way; and

WHEREAS, the Village Board has conducted such public hearing on January 26, 2021, pursuant to such notice; and

WHEREAS, following due consideration of all information received from Owners, the Village Engineer, and in the course of the public hearing of this matter and being duly advised, the Village Board, by this Resolution, does hereby declare the public interest requires the vacation and discontinuance of the pedestrian public way as specifically described and identified on Exhibit 1, and the Village Board further finds that the vacation and discontinuance of the pedestrian public way will not land lock any property.

NOW THEREFORE, BE IT RESOLVED by the Village Board of the Village of Sussex, Waukesha County, Wisconsin, that the public way depicted in the attached Exhibit 1 is hereby discontinued pursuant to Wis. Stat. § 66.1003, subject to approval and delivery to the Village Clerk for recording, and recording with the Waukesha County Register Deeds, Wisconsin of a certified survey map which combines the vacated right of way with the abutting land currently known as parcel numbers SUXV0245.055.001 and SUXV0245.056;

BE IT FURTHER RESOLVED, that upon receipt by the Village of the original certified survey map bearing approval of all necessary governmental bodies and parties-in-interest, the Village Clerk shall record a certified copy of this Resolution together with said certified map with the Waukesha County Register of Deeds.

PASSED AND ADOPTED by the Village Board of the Village of Sussex, Waukesha County, Wisconsin, this ____ day of _____ 2020

VILLAGE BOARD, VILLAGE OF SUSSEX

Anthony LeDonne, Village President

ATTEST:

Sam Liebert, Village Administrative Services Director, Clerk/Treasurer

EXHIBIT 1

Lilac Lane Pedestrian Way Vacation

Legal Description 08/12/2020

That part of the Northeast ¼ of Section 26, Township 8 North, Range 19 East in the Village of Sussex, Waukesha County, Wisconsin, more particularly bounded and described as follows:

Commencing at the center of Section 26; Thence S89°57'30"E 210.03 feet along the north Right of Way line of Clover Drive to a point on the east Right of Way line of Tulip Lane;

Thence continuing along the north Right of Way line of Clover Drive easterly along the arc of a curve whose center is to the south, whose radius is 493.14 feet and whose chord bears N75°06'20"W 255.67 feet to a point;

Thence S60°15'10"E 152.39 feet to a point on the north Right of Way line of Clover Drive;

Thence continuing along said Right of Way line easterly along the arc of a curve whose center is to the north, whose radius is 320.00 feet and whose chord bears S74°30'10"E 159.17 feet to a point;

Thence S88°45'10"E 59.43 feet to a point on the north Right of Way line of Clover Drive;

Thence N17°07'55"W 139.76 feet to a point;

Thence N30°14'06"E 296.64 feet to a point; Thence N01°13'40"E 27.48 feet to the point of beginning of lands herein described:

Thence continuing N01°13'40"E 20.17 feet to a point;

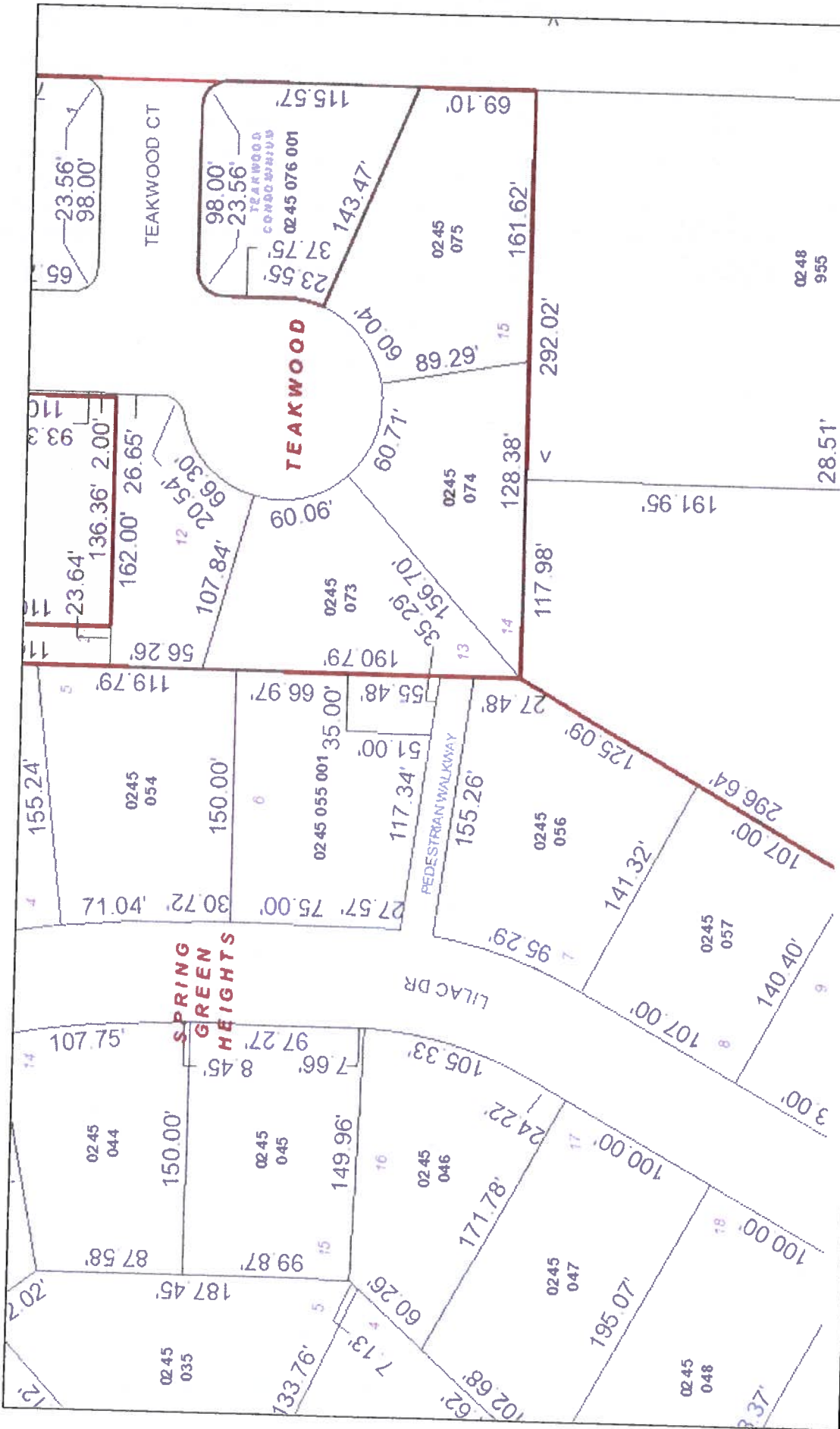
Thence N81°16'20"W 152.63 feet to a point on the east Right of Way line of Lilac Drive;

Thence continuing south along said east Right of Way line along the arc of a curve whose center is to the west, whose radius is 287.00 feet and whose chord bears S08°43'40"W 20.00 feet to a point;

Thence S81°16'20"E 155.26 feet to the point of beginning.

Containing 3,091.985 sf, more or less.

This instrument was drafted by Judith A. Neu, P.E., Sussex Village Engineer.



Village of Sussex



Village of Sussex
 N64 W23760 Main Street
 Sussex, WI 53089
 262-246-5200



SCALE: 1" = 83'

DISCLAIMER:

This map is not a survey of the actual boundary of any property this map depicts.

The Village of Sussex does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

Print Date: 8/20/2020

MEMORANDUM

TO: Kasey Fluet, Assistant Development Director
VILLAGE OF SUSSEX

FROM: Eric J. Larson, Village Attorney
MUNICIPAL LAW & LITIGATION GROUP, S.C.

DATE: November 6, 2020

RE: **Village of Sussex**
Vacation of a Pedestrian Way per Wisconsin Statutes Section 66.1003

Dear Kasey,

Per your request and the timeline you forwarded on October 26, 2020, the following are the necessary procedures that must be followed for the Village Board to follow to vacate the pedestrian way:

1. Map and descriptions. You provided the documents that I will attach as exhibits including a map and legal descriptions. From what you provided I created an Exhibit 2 which is a list of the property owners and addresses, but please confirm that I have done so accurately and in accordance with your intent.
2. Notice to DOT and/or the Commissioner of Railroads. I believe the pedestrian way is not within ¼ mile of a state trunk highway or connecting highway (it might have been prior to the jurisdiction transfer of former STH 74, but no more) so no notice of the discontinuance must be provided to the State Secretary of Transportation. Also, this pedestrian way does not include a railroad crossing, so no notice must be provided to the Commissioner of Railroads.
3. Lis Pendens. We must file a Notice of Pendency of Discontinuation with Waukesha County Register of Deeds. The notice should contain a brief statement of the object thereof, and a map and description of land to be affected thereby. §§66.1003(9) & 840.11(1). This must be filed prior to the introduction of the resolution described in item 4, below. See attached Exhibit A. **It is important for this to be recorded before the matter comes before the Village Board, so please confirm whether I am directed to proceed.** I will await your authorization to record the lis pendens.
4. November 24, 2020: Village Board: Introduction of Resolution. The matter should come before the Village Board on November 24, 2020 for the following purposes:
 - A. A resolution must be prepared and introduced at a Village Board meeting. The resolution is to declare that the public interest requires that a pedestrian walkway in Spring Green Heights subdivision is to be vacated and

discontinued. §66.1003(4)(a), Stats. It is only “introduced,” not acted on at this meeting. See attached Exhibit B.

- B. The Village Board should set the date for the hearing on the resolution. The date must be at least 40 days after the introduction of the resolution. §66.1003(4)(b), Stats. I understand you anticipate the hearing will be January 26, 2021.
- C. The Village Board should refer the resolution, map and legal description for review and report by the Plan Commission, and to request a report from the Plan Commission by the time of the Village Board meeting when the Board will consider passing the resolution. §62.23(5), Stats.
- D. The Village Board action at this meeting could be along these lines:

I move that a public hearing be scheduled for January 26, 2021, at _____ p.m., or as soon thereafter as practicable, regarding the Resolution to Vacate and Discontinue pedestrian walkway in Spring Green Heights subdivision, which is being hereby introduced at this meeting pursuant to Wisconsin Statutes Section 66.1003(4)(a), and to refer the matter to the Plan Commission for report and recommendation.

- 5. December 15, 2020: Plan Commission. The matter should come before the Plan Commission on December 15, 2020 for review and recommendation. The Plan Commission action at this meeting could be along these lines:

I move to recommend to the Village Board that the Resolution to Vacate a pedestrian walkway in Spring Green Heights subdivision be adopted.

Note that you could conduct the CSM review related to this pedestrian way vacation simultaneously. If desired, and if the CSM is prepared in time, the Plan Commission could review the CSM and provide its recommendation, under a separate agenda item at this same meeting.

- 6. Notice of Hearing. The notice of public hearing must state where and when the discontinuance resolution will be acted on, and describe what will be discontinued. §66.1003(8)(b), Stats. The following notice requirements apply:

- A. Publish Class 3 notice of the hearing, under ch. 985, Stats. See attached Exhibit C. I understand you intend to publish on December 30th, January 6th and January 13th.
- B. Provide personal service of the notice of hearing (“in the manner provided for service of a summons in circuit court”) to all property owners whose property abuts or fronts upon the public road being discontinued, at least 30 days before hearing. §66.1003(4)(b), Stats. If possible, service can be admitted by the owners, using the attached forms. See attached Exhibit D.

C. The notice must state where and when resolution will be acted on, and describe what public road sections will be discontinued. §66.1003(8)(b), Stats. See attached Exhibits C and D.

7. January 26, 2020: Public Hearing. The Village Board must conduct the public hearing.

8. Village Board Action. The Village Board should review the Plan Commission report, discuss and take action on the resolution.

A. NOTE SUPERMAJORITY REQUIREMENT: If a written objection is filed with the Village Clerk by any property owner which abuts the pedestrian way to be discontinued; or by the owners of more than 1/3 of the frontage of the lots and lands abutting on the remainder of the pedestrian way which lies within 2,650 feet from the ends of the public way proposed to be discontinued (or the portion thereof within the Village); then the Village Board must pass the resolution by a 2/3 vote of the members present and voting on the matter.

B. The Village Board action could be taken along these lines:

I move that the Resolution of the Village Board of the Village of Sussex to Vacate and Discontinue a pedestrian walkway in Spring Green Heights subdivision be adopted as presented, subject to a Certified Survey Map (CSM) being created and recorded to show the resulting parcels in a manner approved by the Village and all abutting owners, and the CSM and discontinuance resolution being recorded together.

Note, if you choose to schedule the CSM review to operate simultaneously with the vacation process, and if the Plan Commission has made its recommendation, the Village Board could act on the CSM under a separate agenda item at this same meeting.

9. Record the Resolution. Once the CSM has received all necessary approvals and signatures, it should be recorded with the Waukesha County Register of Deeds by the Village Clerk, along with the Resolution which discontinues a pedestrian way in Spring Green Heights subdivision.

If you have any questions, please let me know. Thanks.

Eric

EJL:egm
attachment(s)

C:\MyFiles\JPM\Sussex\Vacate Public Way\Discontinuance Memo re public way 11.6.20.docx



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MEMORANDUM

To: Village Board
From: Sam Liebert, Administrative Services Director
Re: Village Board Meeting- January 26, 2021
Date: January 22, 2021

4.A. Village President Report- report on meetings attending and upcoming communications, and recognitions including Successfully Sussex Awards.

4.B. Public Hearing on the Vacation of Pedestrian Walkway at Spring Green Heights Subdivision.

4.B.1. Staff recommends approval of Resolution 20-26 of the Village Board of the Village of Sussex to Vacate and Discontinue a Pedestrian Way within the Spring Green Heights Subdivision conditioned upon approval of the CSM to correspond with the vacation of the right of way. This resolution is one of the final steps to eliminate the old driveway right of way for Well 3 which the Village Water Utility no longer needs. Please see the Resolution and CSM for more information.

4.B.2. Staff recommends approval of the Certified Survey Map (CSM) being created for the right of way vacation from old well #3 and recorded to show the resulting parcels in a manner approved by the Village and all abutting owners, and the CSM and discontinuance resolution being recorded together. Please see the resolution and CSM for more information.

5.A. Board of Fire Commissioners Report.

5.B. Community Development Authority.

5.C. Park & Recreation Board Report.

5.C.1. The Park & Recreation board recommends approval of the Circle Masters Flying Club request for a removable pole to be added to the asphalt pad in Village Park to assist their old members when flying model planes. Please see the attached memo from staff for additional information.

5.D. Pauline Haass Library Board Report.

5.E.1. The Plan Commission recommends approval of the Phase 3 Plat for Sussex Preserve subject to standard conditions of plat approval and conditions of the Village Engineer. This was recommended at the December Plan Commission. Please see the Plat for Sussex Preserve.

5.F. Public Safety and Welfare Report.

10.A. Consideration and possible action Trustee Plan Commission Appointment.

11. Adjournment.



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MEMORANDUM

From: Sam Liebert, Administrative Services Director
To: Park & Recreation Board
Date: January 13, 2021
RE: Circle Masters Flying Club Request

In an email dated December 7th, 2020 the village received an email from Jason Nettesheim of the Circle Masters Flying Club.

As you may know, the group has had an asphalt pad for many years in Village Park that they use to walk on while they are flying their models.

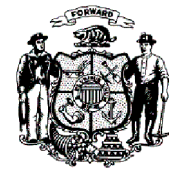
The Circle Masters Flying Club is requesting that we allow them to install a removable pole in the ground that would be used to help their older members stabilize themselves while flying their models. When they are not flying, the pole would be removed and they would insert a plug into the hole so that it would be covered and that no debris could get in the hole, and that no one would trip over it.

Staff are looking for direction from the Park & Recreation Board in this request.

Mr. Nettesheim will be available at the board meeting for any additional questions you may have.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____



Department of Administration

EXISTING ZONING:
RS-3 (PDD)

DESIGN CRITERIA:
MIN. FRONT SETBACK: 30 FT.
MIN. REAR SETBACK: 25 FT.
MIN. SIDE SETBACK: 10 FT.

SUSSEX PRESERVE ADDITION NO. 3

OWNER:
MAPLE GROVE PRESERVE, LLC
c/o ARTHUR SAWALL
4375 PILGRIM HOLLOW COURT
BROOKFIELD, WI 53005
262-893-4848

BEING A REDIVISION OF OUTLOTS 6 AND 7 OF SUSSEX PRESERVE ADDITION NO. 2, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS ON FEBRUARY 12, 2020 IN BOOK 55 PAGES 42-45 INCLUSIVE AS DOCUMENT NUMBER 4453847, ALSO BEING A PART OF LANDS MADE UP OF EXPANSION REAL ESTATE OF THE 'VILLAS AT BRANDON OAKS, A LIFESTYLE CONDOMINIUM', AND A PART OF LOT 2, CERTIFIED SURVEY MAP NO. 7984, BEING LOCATED IN A PART OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27 AND THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, ALL IN TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

GENERAL NOTES:

- - Indicates Set 1.270" outside diameter x 18" long Reinforcing Bar weighing 4.303 lbs. per lineal foot. All other Lot and Outlot corners are staked with 0.750" outside diameter x 18" long Reinforcing Bar weighing 1.502 lbs. per lineal foot.
- - Indicates Found 0.75" Reinforcing Bar, (Unless stated otherwise).
- All linear measurements have been made to the nearest one-hundredth of a foot.
- All angular measurements have been made to nearest second and computed to the nearest half-second.
- All bearings are referenced to Grid North of the Wisconsin State Plane Coordinate System, South Zone (NAD-27), in which the North line of the N.E. 1/4 of Section 34, Town 8 North, Range 19 East, bears North 89°31'37" East.
- The Landscape Island Easement as shown on the "Sussex Preserve" Subdivision with Landscaping herein granted to each individual Lot Owner within this Subdivision and each individual Lot Owner within any future addition to this Subdivision. The Owners of the residential Lots within this Subdivision and the Owners of any Lots within any future addition to this Subdivision shall each be liable for an equal undivided fractional share of the cost to repair, maintain or restore the Entrance Monument Signage and Landscaping within Outlot 3 of "Sussex Preserve" and said Landscape Island Easement. Said repairs, maintenance and restoration shall be performed by the Owners of all Lots within this Subdivision and the Owners of any Lots within any future addition to this Subdivision.
- The Landscape Island Easement as shown on "Simona Court" with Landscaping has been granted to each individual Lot Owner within this Subdivision and each individual Lot Owner within any future addition to this Subdivision. The Owners of the residential Lots within this Subdivision and the Owners of any Lots within any future addition to this Subdivision shall each be liable for an equal undivided fractional share of the cost to repair, maintain or restore. Said repairs, maintenance and restoration shall be performed by the Owners of all Lots within this Subdivision and the Owners of any Lots within any future addition to this Subdivision.



BASEMENT RESTRICTION - BEDROCK NOTE:

Although all Lots in the Subdivision have been reviewed and approved for development with single-family residential use in accordance with Section 236 Wisconsin Statutes, some Lots contain soil conditions which, due to the possible presence of bedrock near the ground surface, may require additional soil engineering and foundation design with regard to basement construction. It is recommended that either a licensed professional engineer or other soils expert be consulted regarding the construction of basements in these areas where bedrock may be present near the ground surface. Soil conditions should be subject to each owner's special investigation prior to construction and no specific representation is made herein.

BASEMENT RESTRICTION - GROUNDWATER NOTE:

Although all Lots in the Subdivision have been reviewed and approved for development with single-family residential use in accordance with Section 236 Wisconsin Statutes, some Lots contain soil conditions that, due to the possible presence of groundwater near the surface, may require additional soil engineering and foundation design with regard to basement construction. It is recommended that a licensed professional engineer design a basement and foundation that will be suitable to withstand the various problems associated with saturated soil conditions on basement walls or floors or that other special measures be taken. Soil conditions should be subject to each owner's special investigation prior to construction and no specific representation is made herein.

CURVE TABLE:

NO.	LOT(S)	RADIUS	CENTRAL ANGLE	ARC	CHORD	CHORD BEARING	TANGENT IN	TANGENT OUT
1	87	330.00	7°17'37"	42.01	41.98	S18°09'09.5"W	S21°47'58"W	S14°30'21"W
	78	270.00	5°52'50"	27.71	27.70	S17°26'46"W	S20°23'11"W	S14°30'21"W
2	W. R.O.W.	370.00	18°32'18"	119.72	119.19	N23°46'30"E	N33°02'39"E	N14°30'21"E
	88	370.00	11°25'01"	73.73	73.61	N20°12'51.5"E	N25°55'22"E	N14°30'21"E
	89	370.00	7°07'17"	45.99	45.96	N29°29'00.5"E	N33°02'39"E	N25°55'22"E
	E. R.O.W.	430.00	14°15'25"	107.00	106.72	N21°38'03.5"E	N28°45'46"E	N14°30'21"E
	78	430.00	0°46'32"	5.82	5.82	N14°53'37"E	N15°16'53"E	N14°30'21"E
	77	430.00	13°28'53"	101.18	100.94	N22°01'19.5"E	N28°45'46"E	N15°16'53"E
3	77	15.00	96°09'25"	25.17	22.32	S19°18'56.5"E	S28°45'46"W	S67°23'39"E
4	86	15.00	83°07'33"	21.76	19.90	S74°36'25.5"W	N63°49'48"W	S33°02'39"W
5	77	170.00	21°53'06"	64.93	64.54	S78°20'12"E	S67°23'39"E	S89°16'45"E
	S. R.O.W.	230.00	25°26'57"	102.16	101.32	S76°33'16.5"E	S63°49'48"E	S89°16'45"E
	86	230.00	17°41'22"	71.01	70.73	S72°40'29"E	S63°49'48"E	S81°31'10"E
	85	230.00	7°45'35"	31.15	31.12	S85°23'57.5"E	S81°31'10"E	S89°16'45"E
	83	830.00	3°34'16"	51.74	51.73	N88°56'07"E	S89°16'45"E	N87°08'59"E
7	75	15.00	88°52'02"	23.27	21.00	N43°02'06"E	N87°28'07"E	N01°23'55"W
8	75	610.00	9°21'38"	99.66	99.55	S03°16'54"W	S07°57'43"W	S01°23'55"E
9	83	15.00	83°32'49"	21.87	19.99	N51°04'36.5"W	N09°18'12"W	S87°08'59"W
10	82	115.00	88°07'24"	176.87	159.95	N34°45'30"E	N78°49'12"E	N09°18'12"W
11	W. R.O.W.	75.00	63°52'37"	83.61	79.35	S46°52'53.5"W	S78°49'12"W	S14°56'35"W
	81	75.00	2°54'00"	3.80	3.80	S77°22'12"W	S78°49'12"W	S75°55'12"W
	80	75.00	43°20'37"	56.73	55.39	S54°14'53.5"W	S75°55'12"W	S32°34'35"W
	79	75.00	17°38'00"	23.08	22.99	S23°45'35"W	S32°34'35"W	S14°56'35"W

SCALE: 1" = 50'



4100 N. Calhoun Rd.
Suite 300
Brookfield, WI 53005
Phone: (262) 790-1480
Fax: (262) 790-1481

H:\CG000\974\07011-01\SURVEY\PLANS\166FPL04.DWG

SUSSEX PRESERVE ADDITION NO. 3

BEING A REDIVISION OF OUTLOTS 6 AND 7 OF SUSSEX PRESERVE ADDITION NO. 2, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS ON FEBRUARY 12, 2020 IN BOOK 55 PAGES 42-45 INCLUSIVE AS DOCUMENT NUMBER 4453647, ALSO BEING A PART OF LANDS MADE UP OF EXPANSION REAL ESTATE OF THE "VILLAS OF BRANDON OAKS, A LIFESTYLE CONDOMINIUM", AND A PART OF LOT 2, CERTIFIED SURVEY MAP NO. 7984, BEING LOCATED IN A PART OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27 AND THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, ALL IN TOWN 8 NORTH, RANGE 19 EAST, IN THE VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

STATE OF WISCONSIN)
) SS
COUNTY OF WAUKESHA)

I, Ted R. Indermuehle, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped a part of lands made up of Outlots 6 and 7 of "Sussex Preserve Addition No. 2 and Expansion Real Estate of the "Villas of Brandon Oaks, a Lifestyle Condominium", and a part of Lot 2, Certified Survey Map No. 7984, being located in a part of the Southeast 1/4 and the Southwest 1/4 of the Southeast 1/4 of Section 27 and the Northeast 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 34, all in Town 8 North, Range 19 East, in the Village of Sussex, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Northeast Corner of said Section 34 (also being the Southeast Corner of said Section 27); Thence South 89°31'37" West and along the North line of the said Northeast 1/4 of said Section 34, 1264.20 feet to a point on the East line of Outlot 6 of "Sussex Preserve Addition NO. 2" and the place of beginning of lands hereinafter described;

Thence South 07°21'48" West along the East line of said Outlot 6, 43.44 feet to a point on the Northerly line of said Outlot 6; Thence South 85°08'43" East along said Northerly line, 135.30 feet to the West Right-of-Way line of "Simona Drive"; Thence Southerly 99.96 feet along the arc of a curve whose center lies to the East, whose radius is 610.00 feet, whose delta angle is 09°21'38" and whose chord bears South 03°16'54" West along said West line, 99.55 feet to a point; Thence South 05°31'43" East along a Tie Line, 88.04 feet to a point; Thence South 09°18'12" East along said West line, 108.04 feet to a point; Thence Southwesterly 176.87 feet along the arc of a curve whose center lies to the Northwest, whose radius is 115.00 feet, whose central angle is 88°07'24" and whose chord bears South 34°45'30" West along said West line, 159.95 feet to a point on the Northern Right-of-Way of "Simona Court"; Thence South 78°49'12" West along said Northern line, 90.09 feet to a point; Thence Southwesterly 83.61 feet along the arc of a curve whose center lies to the Southeast, whose radius is 75.00 feet, whose central angle is 63°52'37" and whose chord bears South 46°52'53.5" West along said Northern line, 79.35 feet to a point on the West Right-of-Way of said "Simona Court"; Thence South 14°56'35" West along said West line, 62.20 feet to a point on the South line of Outlot 7 of said "Sussex Preserve Addition NO. 2"; Thence North 77°41'06" West along said South line, 118.95 feet to a point; Thence North 09°11'33" East along said South line, 115.89 feet to a point; Thence North 23°39'13" East along said South line, 78.17 feet to a point; Thence North 53°19'47" East along said South line, 73.56 feet to a point; Thence South 89°31'37" West along said South line, 71.77 feet to a point; Thence North 53°42'19" West along said South line, 133.63 feet to a point on the East Right-of-Way of "Peppertree Drive West"; Thence North 40°15'23" West along a Tie Line, 62.64 feet to a point on the West Right-of-Way of said "Peppertree Drive West"; Thence North 60°05'24" West 115.82 feet to a point; Thence North 26°05'02" East 23.53 feet to a point; Thence North 32°49'13" East 88.87 feet to a point; Thence North 27°12'04" East 38.82 feet to a point; Thence North 02°23'47" East 6.67 feet to a point; Thence North 29°29'00" West 24.56 feet to a point; Thence North 15°54'43" East 85.79 feet to a point; Thence North 28°34'22" East 91.57 feet to a point; Thence North 15°12'16" East 11.11 feet to a point on the South line of Lot 53 of said "Sussex Preserve Addition NO. 2"; Thence South 68°12'02" East along said South line, 133.43 feet to a point on the East Right-of-Way of said "Peppertree Drive West"; Thence South 61°52'41" East along a Tie Line, 60.45 feet to the East Right-of-Way of said "Peppertree Drive West" also the North line of Outlot 6 of said "Sussex Preserve Addition NO. 2"; Thence South 70°16'44" East along said North line, 142.08 feet to a point; Thence South 07°21'48" West along said North line, 14.24 feet to the point of beginning of this description.

Said Parcel contains 206,412 Square Feet (or 4.7386 Acres) of land, more or less

That I have made such survey, land division and map by the direction of MAPLE GROVE PRESERVE, LLC, owner of said lands.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and the Subdivision Regulations of the Village of Sussex, Waukesha County, Wisconsin in surveying, dividing and mapping the same.

Dated this _____ Day of _____, 20 _____.

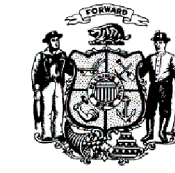
Ted R. Indermuehle, P.L.S.
Professional Land Surveyor, S-3119
TRIO ENGINEERING, LLC
12660 W. North Avenue, Building "D"
Brookfield, WI 53005
Phone: (262)790-1480 Fax: (262)790-1481



4100 N. Calhoun Rd.
Suite 300
Brookfield, WI 53005
Phone: (262) 790-1480
Fax: (262) 790-1481

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20 _____



Department of Administration

CORPORATE OWNER'S CERTIFICATE OF DEDICATION:

MAPLE GROVE PRESERVE, LLC, a Wisconsin Limited Liability Company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certifies that said Limited Liability Company has caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat. I also certify that this plat is required by S.236.10 or S.236.12 to be submitted to the following for approval or objection.

APPROVING AGENCIES:

1. Village of Sussex

AGENCIES WHO MAY OBJECT:

1. State of Wisconsin, Department of Administration
2. Waukesha County, Department of Parks and Land Use

Witness the hand and seal of said Owner this _____ day of _____, 20 _____.

MAPLE GROVE PRESERVE, LLC

Arthur Sawall, Member

STATE OF WISCONSIN)
) SS
COUNTY OF WAUKESHA)

Personally came before me this _____ day of _____, 20 _____, the above named Arthur Sawall, Member of the above named Limited Liability Company, to me known to be the person who executed the foregoing instrument, and to me known to be such Member of said Limited Liability Company, and acknowledged that he executed the foregoing instrument as such officer as the deed of said Limited Liability Company, by its authority.

Print Name: _____
Public, _____ County, WI
My Commission Expires: _____

CERTIFICATE OF COUNTY TREASURER:

STATE OF WISCONSIN)
) SS
COUNTY OF WAUKESHA)

I, Pamela F. Reeves, being duly elected, qualified and acting Treasurer of the County of Waukesha, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of this _____ Day of _____, 20 _____ on any of the land included in the Plat of "SUSSEX PRESERVE ADDITION NO. 3".

Dated this _____ Day of _____, 20 _____.

Pamela F. Reeves, County Treasurer

CERTIFICATE OF VILLAGE TREASURER:

STATE OF WISCONSIN)
) SS
COUNTY OF WAUKESHA)

I, Sam Liebert, being duly appointed, qualified and acting Treasurer of the Village of Sussex, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or special assessments as of this _____ Day of _____, 20 _____ on any of the land included in the Plat of "SUSSEX PRESERVE ADDITION NO. 3".

Dated this _____ Day of _____, 20 _____.

Sam Liebert, Village Treasurer

VILLAGE BOARD APPROVAL CERTIFICATE:

Resolved that the Plat of "SUSSEX PRESERVE ADDITION NO. 3", in the Village of Sussex, MAPLE GROVE PRESERVE, LLC, owner, is hereby approved by the Village Board.

All conditions have been met as of this _____ Day of _____, 20 _____.

Date: _____

Gregory Goetz, Village President

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Village Board of the Village of Sussex.

Date: _____

Sam Liebert, Village Clerk

UTILITY EASEMENT PROVISIONS:

An easement for electric, natural gas, and communications service is hereby granted by

MAPLE GROVE PRESERVE, LLC, Grantor, to

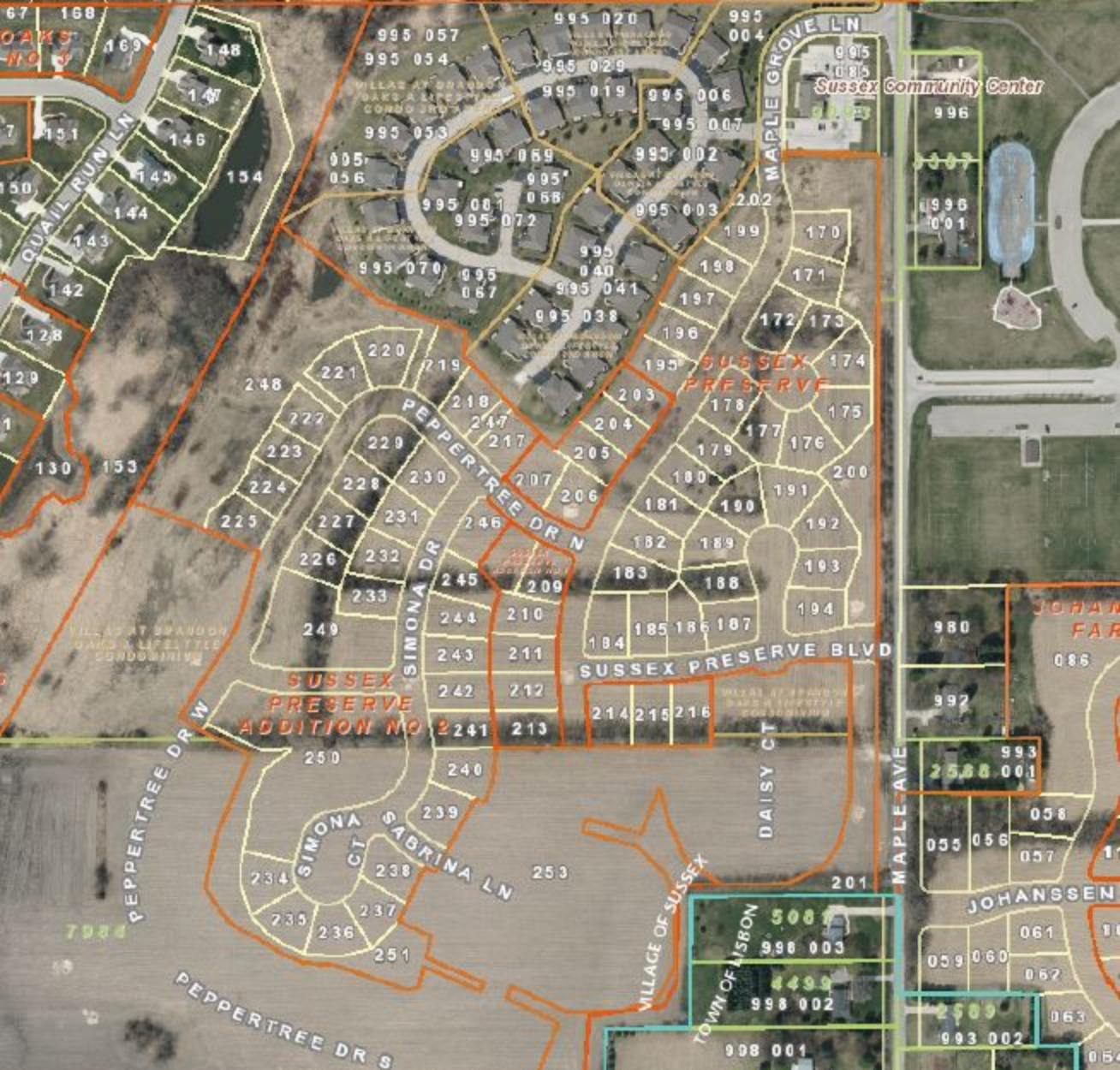
WISCONSIN ELECTRIC POWER COMPANY and WISCONSIN GAS, LLC, Wisconsin corporations doing business as We Energies, Grantee,

_____, Grantee, and

_____, Grantee

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.



167 168
OAKS
410

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WILLAS AT SPAUGH
GARDENS & LIFESTYLE
COMMUNITY

Sussex Community Center

SUSSEX
PRESERVE
ADDITION NO. 2

TOWN OF VIBRON
998 003
998 002
998 001

993
2588 001

JOHANSSON

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VILLAS AT SPAUGH
GARDENS & LIFESTYLE
COMMUNITY

7984

PEPPERTREE DR W
PEPPERTREE DR N
PEPPERTREE DR S

SIMONA DR
SABRINA LN

VILLAGE OF SUSSEX
DAISY CT

MAPLE GROVE LN

MAPLE AVE

SUSSEX PRESERVE BLVD

JOHANSSON FARMS

JOHANSSON